



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

## **MINUTES OF THE 88<sup>TH</sup> COMMISSION MEETING**

**HELD ON MONDAY 18 SEPTEMBER 2006 AT 9:30am AT  
THE ECOS MILLENNIUM ENVIRONMENTAL CENTRE,  
KERNOHANS LANE, BROUGHSHANE ROAD, BALLYMENA,  
Co ANTRIM, BT43 7QA**

**Present:** Monica McWilliams, Chief Commissioner  
Jonathan Bell  
Tom Duncan  
Christine Eames  
Colin Harvey  
Alan Henry  
Kevin McLaughlin (from 11.05am)  
Eamonn O'Neill

**In attendance:** Paddy Sloan, Chief Executive  
Peter O'Neill, Head of Information, Education and  
Development

**Apologies:** Ann Hope (on other business for the Commission)  
Geraldine Rice (due to ill health)

### **1. Minutes of the 87<sup>th</sup> meeting (HRC 88.1)**

- 1.1 The minutes of the 87<sup>th</sup> Commission meeting were agreed as an accurate record.

### **2. Matters arising**

- 2.1 There were no matters arising.

### **3. Report from the Chief Commissioner (HRC 88.2)**

- 3.1 A meeting has been arranged with the Preparation for Government Committee (PFG) on the morning of 5 October 2006. A preparatory meeting for Commissioners will be held at 2pm on 2 October with input from Brendan McAlister. The purpose of the meeting is to discuss the Commission's work on preparing advice for the Secretary of State on a Bill of Rights for Northern Ireland. Commissioners noted their thanks to the Chief Commissioner for her work in securing this meeting.
- 3.2 The Chief Commissioner gave a keynote address at the World Congress of Youth and Family Judges, held in Belfast at the end of August. In addition the Chief Commissioner was a member of the Recommendations Committee at the conference, working with members of the judiciary from Canada, Australia, Kenya, Spain and Northern Ireland. The Conference also provided an opportunity for the Chief Commissioner to have lunch with Ms Mehr Khan-Williams, UN Deputy High Commissioner for Human Rights.
- 3.3 Following a visit of the Detention Working Group to Maghaberry Prison, the Chief Commissioner met with the Director of the Prison Service to discuss issues raised.
- 3.4 A meeting with Claire McCarthy, Special Advisor to the Secretary of State, provided an opportunity to discuss a range of issues relevant to the Commission and to establish a positive working relationship for future regular meetings.
- 3.5 The Chief Commissioner attended the annual British Irish Association (BIA) meeting held this year in Oxford and acted as rapporteur for one of the sessions. Discussions held under the Chatham House Rule focused on the 24 November deadline for devolution, issues that have yet to be agreed by the PFG such as the devolution of policing and justice, the Northern Ireland economy, potential changes to the Northern Ireland education system, and racism. The Chief Commissioner suggested to the BIA Committee that at least one session on next year's agenda should be devoted to equality and human rights.
- 3.6 At a meeting with the Orange Order, Commissioners discussed issues of concern including compensation for burned out halls. Commissioners agreed to seek a meeting with the Parades Commission for an update on their work.

- 3.7 A visit to Hydebank Prison with a member of staff raised concerns with the Chief Commissioner regarding mothers and babies in prison and the provision of bail hostel facilities for women in Northern Ireland. Commissioners considered reviewing the role of the Life Sentence Review Commission in Northern Ireland.
- 3.8 A Sinn Féin human rights spokesperson met with the Chief Commissioner to discuss the current Strategic Plan. Interest was expressed in proposed joint work of the Commission with the Equality Commission NI and in the proposed forthcoming Landscape Review of the Commission.
- 3.9 The Chief Commissioner attended the IMPETUS awards held in Derry/Londonderry involving a range of schools and community projects. The Commission's role in this award scheme will be reviewed and further discussed by Commissioners.
- 3.10 Appraisal dates for Commissioners to meet with the Chief Commissioner are to be agreed early in November.

#### **4. Reports from Commissioners**

- 4.1 Christine Eames chaired the Human Rights and Equality Sub Group of the Mental Health Review, the Bamford Review and the report is now agreed and due to be printed. Christine wished to record her thanks to the Commission for hosting the Human Rights and Equality Sub Group over the three years of the Review and for their contribution to the final document. In return, the Commission recorded its thanks to Christine for chairing this committee on behalf of the Commission and for her extensive contribution to the final report. The Bamford Review will be launched by the Minister at a conference at the end of October.

#### **5. Minutes of committee and working group meetings (HRC 88.3)**

- 5.1 Commissioners noted the minutes of the following meetings:
- Bill of Rights Sub-Committee – 7 June and 7 August 2006
  - Casework Committee – 29 June 2006
  - Place of Detention Working Group – 13 June 2006
  - Policy Committee – 12 June 2006

## **6. Report from the Chief Executive (HRC 88.4)**

- 6.1 Commissioners noted correspondence from the Minister David Hanson to the Chief Commissioner in connection with the Commission's application for full accreditation with the International Co-ordinating Committee of National Human Rights Institutions. This application will be considered in October at the ICC meeting in Bolivia.
- 6.2 On the invitation of the United Nations the Chief Executive attended a workshop organised by the UN and the Parliamentary Commission on Human Rights in Islamabad, Pakistan. The purpose of the workshop was to review legislation under consideration to establish a Human Rights Commission in Pakistan.
- 6.3 Commissioners noted that the Commissioner for Human Rights at the Council of Europe, Thomas Hammarberg is unable to come to Belfast during Human Rights Week and that the Chief Commissioner and Chief Executive will pursue this invitation with the Commissioner at the Council of Europe Roundtable of European Institutions meeting in Athens.
- 6.4 Commissioners noted the appointment of Trevor Phillips, currently Chair of the Commission for Racial Equality, as the Chair of the new Commission for Equality and Human Rights in Britain. The Chief Commissioner will write to congratulate Trevor Phillips and invite him to the Commission at his earliest opportunity.
- 6.5 The joint meeting with the Equality Commission is scheduled for 28 November 2006 at Temple Court. The agenda will focus on potential future work on the intersect of poverty, rights and equality with reference made to other areas of mutual concern such as trafficking, Travellers and migrant workers.
- 6.6 Commissioners will co-host an event on the new UN Convention on the Rights and Dignity of Disabled Persons. This will be held on 4 December 2006 in Belfast.
- 6.7 The Commission's Annual Progress Report 2005/2006 on the Equality Scheme has been submitted to the Equality Commission NI.
- 6.8 Commissioners noted the revised appointment process for the Northern Ireland Commissioner for Children and Young People. No appointment was made as a result of an earlier process during the summer.

- 6.9 The Legal Services Committee will keep Commissioners duly informed on a potential intervention in a judicial review being taken by the Children's Commissioner of the government's decision to implement in Northern Ireland the GB legislation on the physical punishment of children.
- 6.10 The Scottish Human Rights Commission revised legislation will be considered by the Justice Committee of the Scottish Parliament in November with final legislation anticipated before the end of the year.
- 6.11 Commissioners noted the appointment of five new Commissioners to the Irish Human Rights Commission and the end of office of Nuala Kelly, Clodach McGrory, Fionnuala Ní Aoláin, Maureen Harding Clarke and Martin Collins. Thanks were recorded to those who have left and congratulations and welcome to new members. The next meeting of the Joint Committee will take place on 9 November 2006 in Dublin.
- 6.12 The Joint Parliamentary Committee on Human Rights comprising members of the House of Lords and House of Commons will come to Belfast on 6 November. Their programme will be co-ordinated by the Commission and a series of meetings will be held in Temple Court.
- 6.13 Commissioners discussed the Review of Public Administration consultation group on equality, rights and good relations convened by OFMDFM and including the NIHRC, the Equality Commission, NICCY and the CRC together with senior officials from each of the key RPA departments, DOE (local government) education and health. A temporary working group of Commissioner has met with the Chief Executive to consider this work and Commissioners agreed that an initial meeting should be arranged with the DOE to discuss in particular the transfer of housing responsibilities to local authorities from the Housing Executive.
- 6.14 Commissioners noted that a Planning Day by the Management Team by the end of August has resulted among other things, in a paper to go to the November Commission meeting considering the potential for additional staff and a review of responsibilities.
- 6.15 Commissioners noted that the previously agreed staff residential will take place on 16-17 November, involving the Chief Commissioner.
- 6.16 Key meetings attended by the Chief Executive were noted.

## **7. Team reports**

### **7.1 Corporate Services (HRC 87.5)**

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 Commissioners requested that a copy of the Freedom of Information request and the response provided should be circulated to all Commissioners. It was agreed that in future all such requested will be circulated.

### **7.2 Information, Education and Development (HRC 87.6)**

- 7.2.1 Commissioners noted the Information, Education and Development report.
- 7.2.2 Commissioners congratulated the staff on the publication of the second edition of the magazine *NIHRC Review*. This magazine has been very well received.
- 7.2.3 Commissioners considered the work of the Human Rights Consortium on promoting a Bill of Rights for Northern Ireland and the need to discuss their plans and consider the potential for joint work on communications.
- 7.2.4 Commissioners noted the range of media work undertaken during this period.

### **7.3 Legal Services, Research and Policy (HRC 87.7)**

- 7.3.1 Commissioners noted the Legal Services, Research and Policy report.
- 7.3.2 Tom Duncan gave a report of the visit of the Detention Working Group to Maghaberry Prison. It was agreed that the management team needed to discuss the staffing support and resources available to the Detention Working Group. This will be considered in the context of a review of all Committees and Working Groups due to take place at the November Commission meeting.

- 7.3.3 Commissioners agreed that visits to other prisons, in particular to GB prisons, are simply to increase awareness of and to review regimes in other places. The Commission cannot take up individual complaints, which is the role of the Prisons Ombudsman nor does it have any jurisdiction in relation to prisons in Britain. It was agreed that notes of visits should be circulated to all Commissioners and staff.

**Colin Harvey declared a potential conflict interest in the next item to be discussed and withdrew from the meeting.**

- 7.3.4 In Colin's absence it was agreed the Commission would jointly host with QUB a symposium on Children in Custody, based on the Commission's work at Rathgael.

**Colin Harvey rejoined the meeting**

- 7.3.5 It was agreed that the new Health Working Group would prepare a paper to scope issues and develop proposals for future work in this area.
- 7.3.6 Commissioners considered an individual case application for support. It was agreed that the Commission would continue to liaise with other relevant organisations engaged in this case and would keep a watching brief on the process.
- 7.3.7 Commissioners reviewed and noted current legislation and policy consultations.

**The meeting was suspended for lunch at 1:30pm.**

**The meeting resumed at 2:15pm.**

## **8. Bill of Rights Update (HRC 88.8)**

- 8.1 Commissioners considered their current position and agreed the need to retain a clear message externally.
- 8.2 It was agreed that a residential would be held on 13/14 November incorporating the regular Commission meeting and an examination of both the substance and process of the Bill of Rights advice.
- 8.3 It was agreed that the meeting with the Preparation for Government Committee will allow for constructive discussion with political parties on the proposed Forum.

## **9. Annual Report 2005–06 (HRC 88.9)**

- 9.1 Commissioners approved the text of the Annual Report 2005/06 which will be sent to the Secretary of State once the accounts are audited and approved by the Comptroller and Auditor General and can therefore be included in the report. The report will then be sent to the Secretary of State, laid in Parliament and published.

## **10. Implications of anti-age discrimination on the Commission's personnel policies/practices (HRC 88.10)**

- 10.1 A paper was considered discussing the implications of anti-age discrimination legislation on the Commission's personnel policies and practices.
- 10.2 Commissioners noted the intended changes to the Commission's recruitment and selection policy and practice where evidence of experience is no longer a legitimate consideration in the selection process.
- 10.3 Commissioners agreed to amend the recruitment and selection policy to accommodate the new legislation requirements.
- 10.4 Commissioners agreed to undertake training where appropriate in recruitment and selection processes which will now be entirely competence based.
- 10.5 Commissioners considered the implications of the legislation on the retirement policy and agreed to remove the retirement age, allowing staff to choose when to retire based on their lifestyle preferences and financial arrangements.

## **11. Register of Policy Advisors (HRC 88.11)**

- 11.1 Commissioners considered a paper proposing the establishment of a Register of Policy of advisors whose knowledge and expertise could be drawn upon from time to time to comment on policy documents and draft legislation and to review documents drafted by staff for the Commission's consideration.
- 11.2 Commissioners considered the proposal and following discussion, it was agreed that a revised paper would be presented to the November meeting of the Commission.



## **12. Human Rights Week – proposed programme of events (HRC 88.12)**

- 12.1 Commissioners commended the Head of Information, Education and Development on the proposed programme of activities and events during human rights week, 4-8 December 2006.
- 12.2 Commissioners agreed to the programme proposed and the associated costs.

## **13. Dates and locations of Commission meetings until September 2007 (HRC 88.13)**

- 13.1 Commissioners welcomed the programme of dates for Commission meetings for the period up to September 2007. These were agreed.
- 13.2 Further consideration will be given to the merit of locating Commission meetings outside Belfast as proposed for the March and September 2007 meetings.

## **14. Next meetings**

- 14.1 The next Policy meeting will be on 16 October 2006 in Temple Court.
- 14.2 The next Commission meeting will be on 13 November during the residential for Commissioners.

**At 3:40pm the meeting closed and moved to meet with the Mayor of Ballymena and invited guests.**

Approved: \_\_\_\_\_

Date: 13 November 2006